

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2007-0153-MWD-E **TCEQ ID:** RN102179652 **CASE NO.:** 32516  
**RESPONDENT NAME:** City of Anahuac and Trinity Bay Conservation District

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** Trinity Bay Conservation District, located on the west bank of Anahuac Ditch, approximately 2,200 feet southeast of the intersection of Farm-to-Market Road 563 and Poskey Road southeast of the City of Anahuac, Chambers County

**TYPE OF OPERATION:** Wastewater treatment facility

**SMALL BUSINESS:** ☐ Yes ☒ No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondents have expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on July 1, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**  
**TCEQ Attorney/SEP Coordinator:** None  
**TCEQ Enforcement Coordinator:** Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-1203; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  
**Respondent:** The Honorable Guy Robert Jackson, Mayor, City of Anahuac, Post Office Box 578, Anahuac, Texas 77514; Mr. R. Kit Jones, GM, Trinity Bay Conservation District, Post Office Box 578, Anahuac, Texas 77514; Mr. Stephen Taylor, City Administrator, City of Anahuac, Post Office Box 578, Anahuac, Texas 77514  
**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> December 13, 2006</p> <p><b>Date of NOE Relating to this Case:</b> January 24, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review. Two violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to comply with the permitted effluent limits [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10396001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to timely submit DMRs for the months of December 2005 and January 2006 [30 TEX. ADMIN. CODE § 305.125(17), TPDES Permit No. 10396001, Monitoring and Reporting Requirements No.1].</p>	<p><b>Total Assessed:</b> \$8,904</p> <p><b>Total Deferred:</b> \$1,780  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$7,124</p> <p>CN600625288  <b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>CN600675417  <b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that on February 6, 2007, the Respondents submitted the delinquent discharge monitoring reports ("DMR") for the December 2005 and January 2006 monitoring periods.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Respondents shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 10396001. The certification shall include detailed supporting documentation including receipts, and /or other records to demonstrate compliance.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	29-Jan-2007	Screening	2-Feb-2007	EPA Due	
	PCW	2-Feb-2007				

## RESPONDENT/FACILITY INFORMATION

Respondent	City of Anahuac and Trinity Bay Conservation District		
Reg. Ent. Ref. No.	RN102179652		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	32516	No. of Violations	2
Docket No.	2007-0153-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Heather Brister
Multi-Media		EC's Team	EnforcementTeam 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 **\$4,200**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 122% Enhancement Subtotals 2, 3, & 7 **\$5,124**

Notes Enhancement due to 23 self-reported effluent violations, one Commission-issued NOV with same or similar violations, and one NOV without same or similar violations.

**Culpability** No 0% Enhancement Subtotal 4 **\$0**

Notes The Respondents do not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondents do not meet the good faith criteria.

**Total EB Amounts** \$682  
**Approx. Cost of Compliance** \$5,200  
0% Enhancement\* Subtotal 6 **\$0**  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal **\$9,324**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** -5% Adjustment **-\$420**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Recommend reduction in penalty so that monthly self-reported violations do not overly impact the penalty amount.

Final Penalty Amount **\$8,904**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty **\$8,904**

**DEFERRAL** 20% Reduction Adjustment **-\$1,780**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$7,124**

Screening Date 2-Feb-2007

Docket No. 2007-0153-MWD-E

PCW

Respondent City of Anahuac and Trinity Bay Conservation District

Policy Revision 2 (September 2002)

Case ID No. 32516

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102179652

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	24	120%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 122%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement due to 23 self-reported effluent violations, one Commission-issued NOV with same or similar violations, and one NOV without same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 122%

Screening Date 2-Feb-2007

Docket No. 2007-0153-MWD-E

PCW

Respondent City of Anahuac and Trinity Bay Conservation District

Policy Revision 2 (September 2002)

Case ID No. 32516

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102179652

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10396001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and Tex. Water Code § 26.121(a)

Violation Description

Failed to comply with the permitted effluent limits as shown in the attached violation table, as documented during the December 13, 2006 record review.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was utilized to evaluate the values for ammonia-nitrogen to determine whether the discharged amounts of the pollutants exceeded the levels protective of human health or environmental receptors. Total suspended solids, total chlorine residual, and daily average flow were also considered. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 4

211 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$4,000

Four quarterly events are recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$671

Violation Final Penalty Total \$8,480

This violation Final Assessed Penalty (adjusted for limits) \$8,480

## Economic Benefit Worksheet

**Respondent** City of Anahuac and Trinity Bay Conservation District  
**Case ID No.** 32516  
**Reg. Ent. Reference No.** RN102179652  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>(No commas or \$)</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$5,000	1-Nov-2005	2-Oct-2007	1.9	\$32	\$639	\$671
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair blowers and calibrate equipment which could have reduced or alleviated the exceedances. The date required is the date the noncompliances started and the final date is the expected compliance date.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	<b>TOTAL</b>	\$671
----------------------------	---------	--------------	-------

Screening Date 2-Feb-2007

Docket No. 2007-0153-MWD-E

PCW

Respondent City of Anahuac and Trinity Bay Conservation District

Policy Revision 2 (September 2002)

Case ID No. 32516

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102179652

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17), TPDES Permit No. 10396001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit discharge monitoring reports for the months of December 2005 and January 2006, as documented during the December 13, 2006 record review.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Greater than 70% of the rule requirement was met.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 2

17 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$200

Two single events are recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$424

This violation Final Assessed Penalty (adjusted for limits) \$424

## Economic Benefit Worksheet

**Respondent** City of Anahuac and Trinity Bay Conservation District

**Case ID No.** 32516

**Reg. Ent. Reference No.** RN102179652

**Media** Water Quality

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB/Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	20-Jan-2006	6-Feb-2007	1.0	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to complete and submit the monthly DMRs. Date required is the due date for the report and the final date is the date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$10



## Effluent Limit Violation Table

Respondent	City of Anahuac and Trinity Bay Conservation District
ID Number(s)	TPDES Permit No. 10396001 Enforcement Case No. 32516
Docket No.	2007-0153-MWD-E
Enf. Coordinator	Heather Brister

### EFFLUENT PARAMETER Permit Limit

	CI Monthly Minimum Concentration	NH3-N Daily Maximum Concentration	NH3-N Daily Average Concentration	TSS Daily Average Concentration	TSS Daily Average Loading	Flow Daily Average
<i>Month/Year</i>	1.00 mg/L	10.00 mg/L	3.00 mg/L	15.00 mg/L	75.00 mg/L	0.60 MGD
<b>November 2005</b>	c	11.8	4.50	c	c	c
<b>February 2006</b>	0.53	c	c	c	c	6.614
<b>April 2006</b>	0.65	c	6.53	17.60	c	c
<b>May 2006</b>	0.58	12.00	4.04	c	c	c
<b>June 2006</b>	0.42	c	3.08	22.00	109.45	c
<b>July 2006</b>	0.33	c	c	c	84.40	c
<b>August 2006</b>	c	c	3.14	c	c	c

Term	Abbreviation
dissolved oxygen	DO
milligrams per liter	mg/L
total suspended solids	TSS
biochemical oxygen demand, five-day	BOD
compliant	c
total chlorine residual	CI
ammonia nitrogen	NH3-N



## Compliance History

Customer/Respondent/Owner-Operator:	CN600675417	Trinity Bay Conservation District	Classification: AVERAGE	Rating: 0.81
Regulated Entity:	RN102179652	ANAHUAC WWTP	Classification: AVERAGE	Site Rating: 1.34
	WASTEWATER	PERMIT		TPDES0033944
	WASTEWATER	PERMIT		TX0033944
	WASTEWATER LICENSING	LICENSE		WQ0010396001

ID Number(s):

Location: ON THE WEST BANK OF ANAHUAC DITCH, APPROXIMATELY 2,200 FEET SOUTHEAST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 563 AND POSKEY ROAD SOUTHEAST OF THE CITY OF ANAHUAC, CHAMBERS COUNTY, TEXAS

Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: February 01, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 01, 2002 to February 01, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Heather Brister Phone: 512-239-1203

### Site Compliance History Components

- |  |                   |
|--|-------------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes               |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | Yes               |
| 3. If Yes, who is the current owner?   | <u>N/A</u>        |
| 4. If Yes, who was/were the prior owner(s)?  | N/A               |
| 5. When did the change(s) in ownership occur?  | N/A<br>01/18/2007 |

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- |    |            |          |
|----|------------|----------|
| 1  | 06/10/2004 | (304439) |
| 2  | 02/17/2004 | (304440) |
| 3  | 03/24/2003 | (304441) |
| 4  | 03/15/2004 | (304442) |
| 5  | 04/22/2003 | (304443) |
| 6  | 04/19/2004 | (304444) |
| 7  | 05/22/2003 | (304445) |
| 8  | 06/18/2003 | (304446) |
| 9  | 06/18/2004 | (304447) |
| 10 | 07/14/2003 | (304448) |
| 11 | 08/13/2003 | (304449) |
| 12 | 09/08/2003 | (304450) |
| 13 | 03/27/2006 | (472042) |
| 14 | 10/09/2003 | (304451) |
| 15 | 11/12/2003 | (304452) |
| 16 | 07/06/2006 | (463927) |
| 17 | 06/10/2004 | (304453) |
| 18 | 12/05/2003 | (304454) |
| 19 | 01/09/2004 | (304455) |
| 20 | 10/25/2005 | (472043) |
| 21 | 11/18/2005 | (472044) |
| 22 | 12/19/2005 | (472045) |
| 23 | 05/02/2006 | (500464) |
| 24 | 05/15/2006 | (500465) |
| 25 | 06/22/2006 | (500466) |
| 26 | 08/28/2006 | (509970) |
| 27 | 02/04/2005 | (421828) |
| 28 | 03/25/2002 | (355782) |
| 29 | 04/13/2005 | (421829) |
| 30 | 05/24/2004 | (355783) |
| 31 | 05/13/2005 | (421830) |
| 32 | 07/21/2004 | (355784) |
| 33 | 08/19/2004 | (355785) |
| 34 | 06/10/2005 | (421831) |

35	09/24/2004	(355786)
36	02/12/2004	(262552)
37	02/28/2002	(179565)
38	04/26/2002	(179566)
39	05/17/2002	(179567)
40	03/07/2005	(383893)
41	06/27/2002	(179568)
42	12/21/2004	(343118)
43	10/21/2004	(383894)
44	11/19/2004	(383895)
45	01/24/2007	(534102)
46	07/18/2002	(179570)
47	12/09/2004	(383896)
48	08/29/2002	(179571)
49	12/09/2003	(253670)
50	09/23/2002	(179573)
51	10/25/2002	(179575)
52	07/15/2005	(442724)
53	11/25/2002	(179577)
54	08/05/2005	(442725)
55	07/13/2006	(522562)
56	09/22/2005	(442726)
57	08/14/2006	(522563)
58	01/21/2003	(179580)
59	09/14/2006	(522564)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	02/29/2004	(304442)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/31/2004	(304447)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/30/2003	(304448)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	02/28/2006	(472042)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/30/2005	(442724)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2005	(442725)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	11/30/2005	(472045)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/30/2006	(500465)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	08/31/2005	(442726)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/31/2006	(500466)		
Self Report?	YES		Classification	Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2005 (421829)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2004 (355783)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2005 (421830)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2005 (421831)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/05/2006 (463927)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT Effluent Limitations, No. 1 PERMIT Effluent Limitations, No. 2		
Description:	Failure to maintain compliance with the permitted effluent limits for ammonia-nitrogen and total chlorine residual.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a)[G] 30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to maintain the temperature logs of the storage refrigerator.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT Monitoring and Reporting Requirements		
Description:	Failure to submit the noncompliance notifications for effluent violations which deviated from the permitted limits by more than 40%.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b)		
Description:	Failure to store and preserve the samples properly.		
Date	04/30/2002 (179567)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2005 (383893)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2002 (179568)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2002 (179570)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2004 (383896)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/08/2003 (253670)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT Sludge Requirements, Section III. F		
Description:	Failure to perform the Toxicity Characteristic Leaching Procedure (TCLP) once during the term of the permit.		
Self Report?	NO	Classification	Moderate

Citation: 30 TAC Chapter 312, SubChapter G 312.145(a)[G]  
Description: Failure to maintain trip tickets of sludge hauling activities.  
Self Report? NO Classification Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT Operations & Maintenance, No. 1  
Description: Failure to adequately maintain the solids levels in the plant.

Date 10/31/2002 (179577)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date 06/30/2006 (522562)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date 07/31/2006 (522563)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date 08/31/2006 (522564)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# Compliance History

Customer/Respondent/Owner-Operator:	CN600635288	City of Anahuac	Classification: AVERAGE	Rating: 0.67
Regulated Entity:	RN102179652	ANAHUAC WWTP	Classification: AVERAGE	Site Rating: 1.34
	WASTEWATER	PERMIT		TPDES0033944
	WASTEWATER	PERMIT		TX0033944
	WASTEWATER LICENSING	LICENSE		WQ0010396001

ID Number(s):

Location: ON THE WEST BANK OF ANAHUAC DITCH, APPROXIMATELY 2,200 FEET SOUTHEAST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 563 AND POSKEY ROAD SOUTHEAST OF THE CITY OF ANAHUAC, CHAMBERS COUNTY, TEXAS

Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: February 01, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 01, 2002 to February 01, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Heather Brister Phone: 512-239-1203

## Site Compliance History Components

- |  |                   |
|--|-------------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes               |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No                |
| 3. If Yes, who is the current owner?   | N/A               |
| 4. If Yes, who was/were the prior owner(s)?  | N/A               |
| 5. When did the change(s) in ownership occur?  | N/A<br>01/18/2007 |

## Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- |    |            |          |
|----|------------|----------|
| 1  | 06/10/2004 | (304439) |
| 2  | 02/17/2004 | (304440) |
| 3  | 03/24/2003 | (304441) |
| 4  | 03/15/2004 | (304442) |
| 5  | 04/22/2003 | (304443) |
| 6  | 04/19/2004 | (304444) |
| 7  | 05/22/2003 | (304445) |
| 8  | 06/18/2003 | (304446) |
| 9  | 06/18/2004 | (304447) |
| 10 | 07/14/2003 | (304448) |
| 11 | 08/13/2003 | (304449) |
| 12 | 09/08/2003 | (304450) |
| 13 | 03/27/2006 | (472042) |
| 14 | 10/09/2003 | (304451) |
| 15 | 11/12/2003 | (304452) |
| 16 | 07/06/2006 | (463927) |
| 17 | 06/10/2004 | (304453) |
| 18 | 12/05/2003 | (304454) |
| 19 | 01/09/2004 | (304455) |
| 20 | 10/25/2005 | (472043) |
| 21 | 11/18/2005 | (472044) |
| 22 | 12/19/2005 | (472045) |
| 23 | 05/02/2006 | (500464) |
| 24 | 05/15/2006 | (500465) |
| 25 | 06/22/2006 | (500466) |
| 26 | 08/28/2006 | (509970) |
| 27 | 02/04/2005 | (421828) |
| 28 | 03/25/2002 | (355782) |
| 29 | 04/13/2005 | (421829) |

30	05/24/2004	(355783)
31	05/13/2005	(421830)
32	07/21/2004	(355784)
33	08/19/2004	(355785)
34	06/10/2005	(421831)
35	09/24/2004	(355786)
36	02/12/2004	(262552)
37	02/28/2002	(179565)
38	04/25/2002	(179566)
39	05/17/2002	(179567)
40	03/07/2005	(383893)
41	06/27/2002	(179568)
42	12/21/2004	(343118)
43	10/21/2004	(383894)
44	11/19/2004	(383895)
45	01/24/2007	(534102)
46	07/18/2002	(179570)
47	12/09/2004	(383896)
48	08/29/2002	(179571)
49	12/09/2003	(253670)
50	09/23/2002	(179573)
51	10/25/2002	(179575)
52	07/15/2005	(442724)
53	11/25/2002	(179577)
54	08/05/2005	(442725)
55	07/13/2006	(522562)
56	09/22/2005	(442726)
57	08/14/2006	(522563)
58	01/21/2003	(179580)
59	09/14/2006	(522564)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	02/29/2004	(304442)		
Self Report?	YES		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	05/31/2004	(304447)		
Self Report?	YES		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/30/2003	(304448)		
Self Report?	YES		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	02/28/2006	(472042)		
Self Report?	YES		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/30/2005	(442724)		
Self Report?	YES		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2005	(442725)		
Self Report?	YES		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	11/30/2005	(472045)		
Self Report?	YES		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/30/2006	(500465)		
Self Report?	YES		Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			



Description:	Failure to meet the limit for one or more permit parameter		
Date	08/31/2005	(442726)	
Self Report?	YES	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2006	(500466)	
Self Report?	YES	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2005	(421829)	
Self Report?	YES	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2004	(355783)	
Self Report?	YES	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2005	(421830)	
Self Report?	YES	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2005	(421831)	
Self Report?	YES	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/05/2006	(463927)	
Self Report?	NO	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT Effluent Limitations, No. 1 PERMIT Effluent Limitations, No. 2		
Description:	Failure to maintain compliance with the permitted effluent limits for ammonia-nitrogen and total chlorine residual.		
Self Report?	NO	Classificatio	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a)[G] 30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to maintain the temperature logs of the storage refrigerator.		
Self Report?	NO	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT Monitoring and Reporting Requirements		
Description:	Failure to submit the noncompliance notifications for effluent violations which deviated from the permitted limits by more than 40%.		
Self Report?	NO	Classificatio	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b)		
Description:	Failure to store and preserve the samples properly.		
Date	04/30/2002	(179567)	
Self Report?	YES	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2005	(383893)	
Self Report?	YES	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2002	(179568)	
Self Report?	YES	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2002	(179570)	
Self Report?	YES	Classificatio	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		

Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2004 (383896)

Self Report? YES

Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date 12/08/2003 (253670)

Self Report? NO

Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT Sludge Requirements, Section III. F

Description: Failure to perform the Toxicity Characteristic Leaching Procedure (TCLP) once during the term of the permit.

Self Report? NO

Classificatio Moderate

Citation: 30 TAC Chapter 312, SubChapter G 312.145(a)[G]

Description: Failure to maintain trip tickets of sludge hauling activities.

Self Report? NO

Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT Operations & Maintenance, No. 1

Description: Failure to adequately maintain the solids levels in the plant.

Date 10/31/2002 (179577)

Self Report? YES

Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date 06/30/2006 (522562)

Self Report? YES

Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date 07/31/2006 (522563)

Self Report? YES

Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date 08/31/2006 (522564)

Self Report? YES

Classificatio Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF ANAHUAC AND TRINITY  
BAY CONSERVATION DISTRICT  
RN102179652**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0153-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Anahuac and Trinity Bay Conservation District (the "Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Respondents appear before the Commission and together stipulate that:

1. The Respondents own and operate a wastewater treatment facility located on the west bank of Anahuac Ditch, approximately 2,200 feet southeast of the intersection of Farm-to-Market Road 563 and Poskey Road southeast of the City of Anahuac in Chambers County, Texas (the "Facility").
2. The Respondents have discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents are subject to the Commission's jurisdiction.
4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about January 29, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of Eight Thousand Nine Hundred Four Dollars (\$8,904) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents have paid Seven Thousand One Hundred Twenty-Four Dollars (\$7,124) of the administrative penalty and One Thousand Seven Hundred Eighty Dollars (\$1,780) is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondents to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondents have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on February 6, 2007, the Respondents submitted the delinquent discharge monitoring reports ("DMR") for the December 2005 and January 2006 monitoring periods.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondents have not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owners and operators of the Facility, the Respondents are alleged to have:

1. Failed to comply with the permitted effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10396001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on December 13, 2006 and shown in the following table:



	Cl Monthly Minimum Concentration	NH3-N Daily Maximum Concentration	NH3-N Daily Average Concentration	TSS Daily Average Concentration	TSS Daily Average Loading	Flow Daily Average
<i>Month/Year</i>	1.00 mg/L	10.00 mg/L	3.00 mg/L	15.00 mg/L	75.00 mg/L	0.60 MGD
<b>November 2005</b>	<b>c</b>	<b>11.8</b>	<b>4.50</b>	<b>c</b>	<b>c</b>	<b>c</b>
<b>February 2006</b>	<b>0.53</b>	<b>c</b>	<b>c</b>	<b>c</b>	<b>c</b>	<b>6.614</b>
<b>April 2006</b>	<b>0.65</b>	<b>c</b>	<b>6.53</b>	<b>17.60</b>	<b>c</b>	<b>c</b>
<b>May 2006</b>	<b>0.58</b>	<b>12.00</b>	<b>4.04</b>	<b>c</b>	<b>c</b>	<b>c</b>
<b>June 2006</b>	<b>0.42</b>	<b>c</b>	<b>3.08</b>	<b>22.00</b>	<b>109.45</b>	<b>c</b>
<b>July 2006</b>	<b>0.33</b>	<b>c</b>	<b>c</b>	<b>c</b>	<b>84.40</b>	<b>c</b>
<b>August 2006</b>	<b>c</b>	<b>c</b>	<b>3.14</b>	<b>c</b>	<b>c</b>	<b>c</b>

Term	Abbreviation
dissolved oxygen	DO
milligrams per liter	mg/L
total suspended solids	TSS
biochemical oxygen demand, five-day	BOD
compliant	c
total chlorine residual	Cl
ammonia nitrogen	NH3-N

- Failed to timely submit DMRs for the months of December 2005 and January 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(17), TPDES Permit No. 10396001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on December 13, 2006.

### III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Anahuac and Trinity Bay Conservation District, Docket No. 2007-0153-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088





2. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. It is further ordered that the Respondents shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 10396001. The certification shall include detailed supporting documentation including receipts, and /or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondents fail to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.



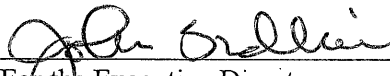
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Respondents, or three days after the date on which the Commission mails notice of the Order to the Respondents, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director


8/20/2007  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

03.19.07  
Date

Guy Robert Jackson  
Name (Printed or typed)  
Authorized Representative of  
City of Anahuac

Mayor of Anahuac  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

10

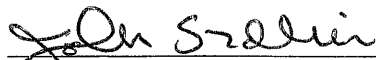
1. *Chrysomelids* (Coleoptera: Chrysomelidae) are the most diverse group of beetles in the world, with over 35,000 species. They are found in all parts of the world, and are particularly common in the tropics. Many species are pests of crops and ornamental plants, and some are important in the control of other insects.

1940

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

8/20/2007  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

3/21/07  
Date

R. Kit Jones  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Trinity Bay Conservation District

CM  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

